

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 24037 of 2004

Between:

D. Rajeshwar, S/o. D. Chinnaiah,
O/o. MPDO, Medchal, Ranga Reddy District.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, Rep by its Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
- 2 The Engineer-in-Chief, Panchayat Raj Department, Errammanzil, Hyderabad.
- 3 The Mandal Parishad Development Officer, Medchal, Ranga Reddy District.
- 4 The Executive Engineer, Panchayat Raj Department, Ranga Reddy District.
- 5 B. Laxmi Narayana,
Ibrahimpatnam (M) P/o. M.P.D.O. Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of "Certiorari" calling for the records relating to order dated 10-11-2004 passed in O.A.No. 6162/2004 by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and set aside the same as unjust and without any basis and also set aside the Proc. SO.III/2/18091/2004 dated 15-10-2004 issued by the 2nd respondent as illegal, arbitrary, discriminatory, motivated and pass such other order or orders.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents: GP FOR SERVICES II.

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 10.11.2004, passed by the A.P. Administrative Tribunal in O.A.No.6162 of 2004.

2. The matter relates to transfer of the petitioner vide proceedings No.SO.III/2/18091/2004, dated 15.10.2004. However, we are not inclined to adjudicate the matter on merits, inasmuch as, the Tribunal disposed of the O.A., with the following direction:

“This is a matter where it appears that the Engineer-in-Chief is unable to come to a conclusion about the decision to be taken as to who should occupy the post of Assistant Engineer, Mandal Parishad, Medchal. In view of this, the Government in Panchayat Raj Department, who is R1 is directed to call for the records of the Engineer-in-Chief, Panchayat Raj and issue final orders at their level within a period of two weeks from the date of receipt of this order. Pending issue of such final orders by the Government status quo shall be maintained.”

3. We have directed the learned Government Pleader to get instructions as to whether the Government has passed any order in pursuance of the directions issued by the Tribunal, but the learned Government Pleader says that no such order has been passed.

4. We do not find any reason for not passing any such order when specific time was fixed in the order of the Tribunal. However, keeping in view the facts and circumstances, we direct the Government to pass appropriate orders as directed by the Tribunal within a period of two weeks from the date of receipt of a copy of this order.

5. With the direction indicated above, the writ petition is disposed of. No costs.

(G.BIKSHAPATHY, J)

(B.SESHASAYANA REDDY, J)

Dated : 31.12.2004

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To

1 The Principal Secretary, Panchayat Raj Department, Government of Andhra Pradesh, Hyderabad.

2 The Engineer-in-Chief, Panchayat Raj Department, Errammanzil, Hyderabad.

3 The Mandal Parishad Development Officer, Medchal, RangaReddy District.

4 The Executive Engineer, Panchayat Raj Department, RangaReddy District.

5 2 CCs to G.P for Services II, High Court Buildings, Hyd.(OUT)